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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Maximilian Gottl

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7590

06/14/2004

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EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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FILED DATE:

☐ This application has been examined ☒ Responsive to communication filed on 30 March 2004 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), _____ days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 3-22, 24-27 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 26, 27 are allowed.
4. ☒ Claims 1, 3-22, 25, 24 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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The substitute specification filed 30 March 2004 has been reviewed, found acceptable and has replaced the original specification. The below cited objections pertain to the substitute specification:

The disclosure is objected to because of the following informalities: Page 4, paragraph [0013], seventh line therein, should --drive-- be inserted between “transmission” & “17” for a consistency of description? Page 10, paragraph [0036], penultimate line therein, note that reference to “stripline sections 21a-21d” does not appear consistent with the stripline “segments” (i.e. 21a, 21b, 21c, 21d) and needs clarification. Page 10, paragraph [0037], sixth & seventh lines therein, note that --includes-- should precede each occurrence of “ends”, --which-- should precede each occurrence of “connect”, and “41a, 41b” should correctly be --41d, 41a-- for a proper characterization. Page 11, paragraph [0040], third line therein, note that “reflector plate 37” should correctly be --reflector plate 35--. Page 11, paragraph [0041], note that the corresponding figure(s) associated with the description in this paragraph should be identified for clarity of description. Page 11, paragraph [0042], third line therein, note that --tapping points-- should precede “27a and 27b” for consistency of description. Note that the description in the last few lines of this paragraph should reference --Figure 2-- for clarity of description. Page 11, paragraph [0043], note that “+3 ϕ to -3 ϕ ” should be rephrased as -- -3 ϕ , -2 ϕ , - ϕ , 0, + ϕ , +2 ϕ , +3 ϕ -- for a proper characterization. Pages 11, 12, paragraph [0043], fourth line therein & paragraph [0045], second line therein, note that applicants’ should include a statement that “similarly labeled elements” already described in “figure 2” will not be described relative to the figure description in these paragraphs. Page 12, paragraph [0046], fourth & sixth lines therein, note that --of 4° as depicted in Figure 6a-- should be inserted prior to “depression angle” in the fourth line

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therein and --of 10° as depicted in Figure 6b-- should follow “angle” in the sixth line therein.

Note that in Fig. 1, reference label “~~15~~” needs explicit description in the specification. Note that in Fig. 3, reference labels (21a, 21b) need explicit description relative to Fig. 3. Appropriate correction is required.

The drawings are objected to because in Fig. 3, reference labels (21, 27) need to be provided as per paragraph [0038] & [0040] of the specification.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the metallic cover shielding the phase shift assembly (i.e. cl 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The dielectric for the capacitive coupling and the metallic cover for shielding, respectively need to be disclosed by the specification.

The amendment filed 30 March 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: At page 1 of the substitute specification, the reference to the co-pending related application cited therein has been considered “new matter”

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since at the time of filing of this current application, it could not have been possible for applicants' to have known about the related co-pending application, especially since the co-pending application was not in existence at the time this current application was filed.

Accordingly, the citation of the related co-pending application has been treated as "new matter".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 1, 3-22; 24, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 24, last paragraph of each claim, note that the recitation "connected at least indirectly ..." renders the claim vague and indefinite. Note that a recitation of an "indirectly" connection would be clear and definite. However, by adding the "at least" to ^{if} "directly" introduces ambiguity as to what such a recitation means. Clarification is needed.

In claim 1, last paragraph, note that the recitation "extending the respective preceding further inward connection line" is vague in meaning and thus renders the claim vague and indefinite.

In claim 12, fourth line, note that the recitation "said above-mentioned elements" is vague in meaning as to which elements are intended. For example, note that "pairs of antenna elements", a "tapping element", a "pointer element", etc all have recitations of "elements" therein. Accordingly, the claim needs to clarify which of these types of elements are intended.

The following claims have been found objectionable for reasons set forth below:

In claims 1, 24, last paragraph of each claim, note that "formed" should be rewritten as --disposed--.

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In claim 6, note that the recitation "the share of the power" should be rephrased to better fit the amended language.

In claim 14, note that "triplate" should be rewritten as --stripline--, especially since "triplate" is still a recognized trademark and not necessarily a generic description.

Claims 1, 3-22; 24, 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.


Claims 26, 27 are allowable over the prior art of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee


BENNY T. LEE
PRIMARY EXAMINER
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